



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 22, 2008

By Hand

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 510
New York, New York 10007

Re: Javier Martinez v. Astrue
07 Civ. 3156 (WHP)(GWG)

MEMORANDUM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #
DATE FILED 1/23/08

Dear Judge Gorenstein:

This Office represents the Commissioner of Social Security, defendant in the above-captioned action. Assistant U.S. Attorney Susan Baird, the attorney assigned to this matter has been ill for the past week and is out of the office sick today.

Therefore, with the consent of plaintiff, this Office respectfully requests an extension of thirty days from January 23, 2008, to file the government's motion for judgment on the pleadings. By order dated December 20, 2007, this Court indicated that no further extensions would be granted to the government absent extraordinary circumstances. In light of Ms. Baird's illness, I respectfully request that the Court find that extraordinary circumstances exist and grant the government's request. Should the Court grant this request, defendant's motion will be due on February 22, 2008. Plaintiff's motion will be due on March 21, 2008. And, defendant's reply will be due on April 4, 2008.

Two prior adjournments of the briefing schedule have been granted to the government.

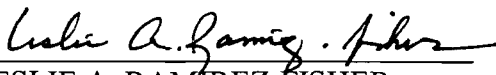
*Granted. No further extensions
by the Government absent application
made by formal motion showing
extraordinary circumstances.*

SIGNED: GABRIEL W. GORENSTEIN DATE: 1/23/08
UNITED STATES MAGISTRATE JUDGE

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By: 
LESLIE A. RAMIREZ-FISHER
Assistant U.S. Attorney
Telephone: (212) 637-0378
Fax: (212) 637-2750

cc: James Baker, Esq.(By Fax)